

DANIEL J. BRODERICK, Bar #89424  
Federal Defender  
DAVID M. PORTER, Bar #127024  
Assistant Federal Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Attorney for Defendant  
RAYMOND LEE HILL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S 04-133 GEB
	)	
Plaintiff,	)	<b>STIPULATION AND [lodged] ORDER TO</b>
	)	<b>REDUCE SENTENCE PURSUANT TO 18</b>
v.	)	<b>U.S.C. § 3582(c)(2)</b>
	)	
RAYMOND LEE HILL,	)	<b><u>RETROACTIVE CRACK COCAINE REDUCTION</u></b>
	)	<b><u>CASE</u></b>
Defendant.	)	
	)	Judge: Honorable Garland E.
	)	Burrell, Jr.

Defendant, RAYMOND LEE HILL, by and through his attorney,  
Assistant Federal Defender David M. Porter, and plaintiff, UNITED  
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney  
Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the  
term of imprisonment in the case of a defendant who has been sentenced  
to a term of imprisonment based on a sentencing range that has  
subsequently been lowered by the Sentencing Commission pursuant to 28  
U.S.C. § 994(o);

2. Mr. Hill was sentenced by this Court on October 29, 2004, to  
a term of 188 months and 23 days imprisonment. His guideline range was  
262 to 327 months, based on a total offense level of 35 and criminal

1 history category 5, and he received a 25% reduction from the low end of  
2 the applicable guideline range on the government's motion;<sup>1</sup>

3 3. On November 20, 2009, pursuant to the parties' stipulation  
4 and retroactive amendment 706, which reduced Mr. Hill's base offense  
5 level by 2 levels, this Court reduced Mr. Hill's sentence to 149 months  
6 and 23 days, which was based on the new guideline range of 210 to 262  
7 months, the prior computation of specific offense characteristics,  
8 adjustments, criminal history category, and departures, and application  
9 of the same 25% reduction he received at the initial sentencing;

10 3. The sentencing range applicable to Mr. Hill was subsequently  
11 lowered by the United States Sentencing Commission by amendment made  
12 retroactive on June 30, 2011;

13 4. Accordingly, Mr. Hill's adjusted offense level has been  
14 reduced from 33 to 31, which at Criminal History Category 5 produces a  
15 new applicable guideline range of 168 to 210 months. A new sentence  
16 based on the resulting guideline range, the prior computation of  
17 specific offense characteristics, adjustments, criminal history  
18 category, and departures, and application of the same 25% reduction Mr.  
19 Hill received at the initial sentencing and resentencing would result  
20 in a sentence of 118 months, 23 days.

21 5. Mr. Hill was not sentenced at a congressionally mandated  
22 minimum sentence, and he is therefore eligible for a reduction of his  
23 sentence by retroactive application of Amendment 750 pursuant to 18  
24 U.S.C. § 3582(c)(2) and policy statement U.S.S.G. § 1B1.10;

---

26 <sup>1</sup> The government recommended a sentence of 196 months, and the  
27 Court agreed to run the recommended sentence concurrent to his parole  
28 revocation sentence in Sacramento County Superior Court Case No.  
97F06441, with credit for 7 months and 7 days served on that sentence,  
for a total term of 188 months and 23 days.

6. Accordingly, the parties respectfully request the court enter the order lodged herewith resentencing Mr. Hill to a sentence of 118 months and 23 days to be served concurrent with the Parole Revocation Term.

Dated: November 28, 2011

Respectfully submitted,

BENJAMIN B. WAGNER  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ Jason Hitt  
JASON HITT  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Movant  
RAYMOND LEE HILL

**ORDER**

On October 29, 2004, this Court sentenced Mr. Hill to a term of imprisonment of 188 months and 23 days. On November 20, 2009, the Court resentenced Mr. Hill to a term of imprisonment of 149 months and 23 days. The parties agree, and the Court finds, that Mr. Hill is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces his applicable offense level from 33 to 31.

IT IS HEREBY ORDERED that the term of imprisonment imposed on November 20, 2009 is reduced to 118 months and 23 days to be served concurrent with the Parole Revocation Term.

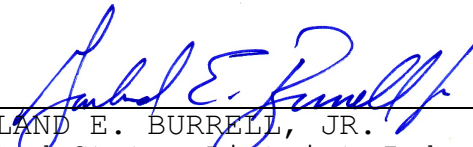
IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Hill shall report to the United States Probation office closest to the release destination within

/ / /

seventy-two hours after his release.

Dated: November 28, 2011

  
\_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge